



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 6**

**1445 ROSS AVENUE, SUITE 1200**

**DALLAS, TEXAS 75202 – 2733**

Office of the Regional Administrator

The Honorable Stevan Pearce  
United States House of Representatives  
Washington, D.C. 20510

Dear Congressman Pearce:

Thank you for your letter of September 13, 2016, to the U.S. Environmental Protection Agency, regarding your concerns about groundwater sampling activities at the Homestake Mining Company Site. The EPA is committed to working closely with our federal and State partners to address radionuclide contamination from the Homestake site, and other sources in the San Mateo Creek Basin.

In your letter you seek clarification on why EPA is now undertaking further groundwater sampling after having approved groundwater cleanup standards for the Homestake Mining Company Superfund Site in 2006. You also reference the Nuclear Regulatory Commission (NRC) letter approving the cleanup standards in 2007. Your letter further states that since both the EPA and the NRC have approved the groundwater protection standards (GWPS) at the site, the new EPA actions appear to be duplicative and unnecessary, and poses several specific questions for EPA response.

While cleanup standards were agreed to ten years ago, it is important to recognize and act on new information that ultimately impacts human health protection for citizens in the impacted area. Past cleanup standards were based on calculated background levels in this complex groundwater system. As we continue our oversight of the Homestake site and implement work throughout the San Mateo Creek Basin, we have increased our understanding of this complex groundwater system, leading us to reevaluate previous assumptions. There have been no changes to the Memorandum of Understanding between NRC and EPA, and EPA has been working with NRC, as Lead regulator, to implement and coordinate our respective programs, including recent groundwater sampling.

If you have any questions, please contact me at (214) 665-2100, or your staff may contact Mr. Austin Vela, Congressional Liaison, at (214) 665-9792.

Sincerely,

Ron Curry  
Regional Administrator

cc: The Honorable Allison Macfarlane  
Chair, U.S. Nuclear Regulatory Commission

6SF-RL:APPAJI – CONTROL R6-16-001-2438 Pearce – Request for Info. Homestake Mining

APPAJI	ATKINS	MEYER	TRAVIS	PEYCKE	PHILLIPS	EDLUND
6SF-RL	6SF-RL	6SF-R	6RC-S	6RC-S	6SF-D	6SF

**Enclosure 1**  
**Answers to Specific Questions in September 13, 2016 Letter**

**1. Would you please provide my office with an explanation of the decision to conduct these groundwater sampling activities?**

The overarching driver for recent groundwater sampling is human health protection. The EPA and the NRC will not require cleanup levels beyond naturally occurring background levels; however, historical monitoring recently shared with EPA suggests that background levels established in 2006 are not representative of naturally occurring background levels for this region and are not protective of human health. For this reason, EPA is working with the United States Geological Survey (USGS) to better delineate naturally occurring levels of contamination from those caused by mining and milling operations.

**2. Who at the EPA is responsible for this decision for further sampling?**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the EPA is responsible for remediation of hazardous waste sites, including necessary sampling to assess risk and confirm final remediation. Inherent with effective CERCLA remediation, EPA works in close coordination with other federal agencies (e.g., NRC, USGS), state agencies such as the New Mexico Environment Department, citizens, and responsible parties, so these parties likewise play a significant role in determining the need for further sampling.

**3. What is the intended goal for this decision for further sampling?**

As previously stated, the overarching goal for further sampling is human health protection. More specifically, sampling results will help determine whether current cleanup levels are truly representative of naturally occurring background levels and are appropriately protective of human health.

**4. Has EPA altered groundwater guidance?**

No, the EPA has not recently altered groundwater guidance, but new information suggests that the EPA should reassess previous assumptions made in arriving at background levels and associated cleanup levels.

**5. According to the Memorandum of Understanding between NRC and the EPA, which was established to avoid dual regulation of the Site, the NRC is the primary oversight agency for Homestake. Has EPA Region 6 openly cooperated with NRC's lead regulator for the Homestake remediation activities?**

and

**6. Has there been a change within the Memorandum of Understanding as to which agency is the lead regulator?**

EPA has been working with NRC, as lead regulator, to implement and coordinate our respective programs, and there has been no change within the Memorandum of Understanding regarding which agency is the lead regulator.